

UNITED STATES DISTRICT COURT
 FOR THE
 DISTRICT OF MASSACHUSETTS

CRAIG DAVIS, as parent and
 natural guardian of
 ANDREW DAVIS,
 Plaintiff,

vs.

CIVIL ACTION
 No. 05-30011-MAP

CATAMOUNT DEVELOPMENT CORP.,
 CATAMOUNT DEVELOPMENT CORP.
 d/b/a CATAMOUNT SKI AREA,
 Defendants.

AFFIDAVIT OF CHARLES GARDNER

I, Charles Gardner, do depose and state the following:

1. I have personal knowledge of the facts stated in this affidavit.
2. I am the head of the ski patrol at Catamount Ski Area.
3. Catamount does not take photographs of every accident scene.
4. Catamount does not take photographs of every accident scene involving children.
5. Catamount does not take photographs of every accident scene involving collisions with objects.
6. On January 25, 2004, I responded to an accident involving Andrew Davis.
7. Andrew Davis' father, Craig Davis, accompanied Andrew to the patrol room.
8. Craig Davis appeared to be in an upset state about the accident in the patrol room.

9. After the Davis' left the patrol room, I went to the accident scene and took photographs of the accident scene.

SIGNED UNDER THE PAINS AND PENALTIES OF PERJURY THIS 30th DAY OF MARCH,

2006:

A handwritten signature in black ink, appearing to read "Charles Gardner", written over a horizontal line.

Charles Gardner
Ski Patrol Director
Catamount Ski Area